

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

In the Matter of)
)
Amendment of Part 97 of)
the Commission's Rules Governing) RM-8737
the Amateur Radio Service to)
Facilitate Spread Spectrum)
Communications)

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**REPLY COMMENTS OF THE MANAGER
OF THE NATIONAL COMMUNICATIONS SYSTEM**

The Secretary of Defense, Executive Agent of the National Communications System (NCS), through duly authorized counsel, hereby files these Reply Comments in the above-captioned matter which regards a Petition for Rulemaking filed by the American Radio Relay League, Inc. (the "League") on December 12, 1995. The League proposed amendments to Commission Rules and Regulations to facilitate, to a greater extent than is done by the present rules, the contributions of the Amateur Service to the development of spread-spectrum communications. In its Petition, the League recited the development of the Commission's policy allowing the Amateur Service to utilize spread-spectrum technology but believed that lack of flexibility in the existing Commission Rules has not permitted such use to develop to its highest potential.

The Secretary of Defense filed comments on February 26, 1996 supporting the League's petition and in addition suggested the deletion of Section 97.119(b)(5) of the Commission's Rules. Eleven other parties filed comments.

Comments ranged from complete agreement with the League's proposals¹ to what are

¹Secretary of Defense

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stated to be total opposition to the petition², and in the middle, general support.³

It appears the main concern of those who question the proposals set forth in the petition is the use of spread spectrum below 450 MHz. Several of the comments suggest that such use would be inappropriate because of the potential interference to narrow-band amateur communications. Some claim very serious interference problems would result. No hard data is provided. It should be noted that the use of spread spectrum to as low as 420MHz is already authorized by the Commission's rules⁴, and there have been, according to the League, no established instances of actual interference to narrow-band amateur communications from spread spectrum communications. Thus, there would be no point in precluding spread spectrum usage below the 450MHz band, which is now permitted. Moreover, any proposals to change currently authorized frequencies for spread spectrum go well beyond the scope of the instant proceeding.

The comments of Tucson Amateur Packet Radio Corporation, as did those of the Secretary, propose the elimination of Section 97.119(b)(5) of the Commission's rules. The Secretary believed the elimination of that section of the rules would lead to increasingly available Commercial Off the Shelf equipment for spread spectrum. Mr. Buaas recognizes the current situation.⁵ It is urged that the Commission make the elimination of Section 97.119(b)(5) part of a

²Wisconsin Association of Repeaters, Mid-America Coordination Council, Inc (Brown and Isely), San Bernadino Microwave Society, Southern California Repeater and Remote Base Association, SouthEastern Repeater Association, Inc., Indiana Repeater Council, and Amateur Television Quarterly

³John Mock, Robert A. Buaas, and Tucson Amateur Packet Radio Corporation

⁴ 47 CFR Section 97.305(c).

⁵"Virtually none of the currently available amateur equipment can be utilized in the SS mode without major modifications and enhancements." Buaas Comments, page 1.

Notice of Proposed Rulemaking herein.

The specific rule changes proposed by the League would (1) permit brief test transmissions using spread-spectrum emissions; (2) permit international spread-spectrum communications between United States' amateurs and amateurs in countries that permit amateur use of those emissions; (3) delete unnecessary restrictions on spreading codes and repetitive definitions of "harmful interference"; and (4) provide for automatic power control to insure use of minimum necessary power to conduct spread-spectrum communications.

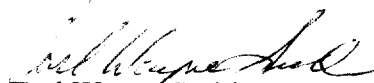
CONCLUSION

The Secretary of Defense, in his capacity as Executive Agent of the NCS, continues to believe the proposed changes have merit and will advance the usage of spread spectrum technology. It is urged that the Commission issue a Notice of Proposed Rulemaking proposing the League's changes and the elimination of Section 97.119(b)(5) of its rules.

Respectfully submitted,



Paul R. Schwedler
Deputy Chief Regulatory Counsel
(703) 607-6092



Carl Wayne Smith
Chief Regulatory Counsel,
Telecommunications, DOD
Code RGC
Defense Information Systems Agency
701 S. Courthouse Road
Arlington, VA. 22204

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Reply Comments of the Manager of the National Communications System" were sent via first class mail, postage prepaid, this 11th day of March, 1996 to:

Christopher M. Imlay, Esq.
Booth, Freret & Imlay, P.C.
1233 20th Street, N.W.
Suite 204
Washington, D.C. 20036

William C. Wells
The Indiana Repeater Council
P.O. Box 1092
Logansport, IN 46947-1092

Robert A. Buaas
20271 Bancroft Circle
Huntington Beach, CA 92646

Dewayne Hendricks
Tucson Amateur Packet Radio Corporation
8987-309 E Tanque Verde Road #337
Tucson, AZ 85749-9399

Whit Brown
MACC
14418 W. Ellsworth Place
Golden, CO 80401-5324

Henry B. Ruh
Amateur Television Quarterly
3 N. Court St.
Crown Point, IN 46307

Nels Harvey
2104 W. County Line Road
Mequon, WI 53092-5616

George R. Isely
736 Fellows Street
St. Charles, IL 60174-3835

M. Robin Critchell
SCRRBA
P.O. Box 5967
Pasadena, CA 91117

Richard Kolbly
San Bernadino Microwave Society
247 Rebel road
Ridgecrest, CA 93555

David L. Shiplett
SouthEastern Repeater Assn.
P.O. Box 215
Tobaccoville, NC 27050

John Mock
1506 Palm Avenue
Richmond, CA 94885



Ann O'Keefe